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CHURCH OF SCIENTOLOGY INTERNATIONAL

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 FOR THE COUNTY OF MARIN

12 CHURCH OF SCIENTOLOGY INTERNATIONAL,) CASE NO. 157 680
13 a California not-for-profit)
religious corporation;)
14 Plaintiffs,)
15 vs.)
16 GERALD ARMSTRONG; MICHAEL WALTON; et)
17 al.,)
Defendants.)
18)
19) Date: April 14, 1995
20) Time: 9:30 a.m.
21) Dept: 1
22) Trial Date:
May 18, 1995

WILSON, RYAN & CAMPILONGO
115 Sansome Street, Suite 400
San Francisco, California 94104


1 I, Andrew H. Wilson, hereby declare:

2 1. My name is Andrew H. Wilson. I am a member of the law
3 firm of Wilson, Ryan and Campilongo, representing plaintiff in this
4 action. I have personal knowledge of the facts set forth in this
5 declaration and could competently testify thereto if called as a
6 witness.

7 2. On April 5, 1995 defendant caused to be published on the
8 so-called "internet" a document, a copy of which is attached hereto
9 and incorporated herein by reference as Exhibit A. This document
10 contains a lengthy discussion by defendant of his experiences in
11 Scientology. It was my opinion upon reviewing the document that its
12 publication was an additional breach of Mr. Armstrong of the
13 Settlement Agreement which is the subject of this action.

14 3. On April 13, 1995, at 11:40 a.m., I called Gerald
15 Armstrong to give him notice that I intended to bring this
16 application. I left a message to that effect on Mr. Armstrong's
17 answering machine.

18 I declare under penalty of perjury pursuant to the laws of the
19 State of California that the foregoing is true and correct.
20 Executed this 13th day of April, 1995 at San Francisco,
21 California.

22
23 
24 _____
25 ANDREW H. WILSON
26
27
28



From netcom.com!ix.netcom.com!howland.reston.ans.net!news2.near.net!news.delphi.com!usenet wed A
pr 5 08:15:24 1995

Xref: netcom.com alt.religion.scientology:51148

Path: netcom.com!ix.netcom.com!howland.reston.ans.net!news2.near.net!news.delphi.com!usenet

From: Bob Penny <bobpenny@delphi.com>

Newsgroups: alt.religion.scientology

Subject: Gerald Armstrong message to a.r.s.

Date: Wed, 5 Apr 95 00:13:39 -0500

Organization: Delphi (info@delphi.com email, 800-695-4005 voice)

Lines: 422

Message-ID: <x44cgYD.bobpenny@delphi.com>

NNTP-Posting-Host: bos1d.delphi.com

This text is by Gerald Armstrong.
This introduction is by Bob Penny.

The attention of many people has been captured recently by the obvious injustice of Scientology's actions toward Dennis Erlich and Netcom, by the cult's attempt to suppress free speech on the Internet. I'm afraid some people consider this extraordinary and worthy of special concern, a special threat to our First Amendment freedoms. It is not. Dennis' case just shows, yet again, what Scientology is really all about. If anything is surprising or extraordinary, it is the moral cowardice of so many people which has created an environment in which Scientology expects to get away with such things and much, much more.

And the situation is much worse. Anyone can understand an attempt to suppress free speech. Anyone can understand fraud and a Mafia-like criminal organization. That is the LEAST of the dangers of Scientology. The real danger is represented by the "Free Zone," by cowardly "New Age" refusal to grow up and face facts. Scientology is not good tech misused by a bad organization. It is no "tech" at all. It is people compromising their integrity in favor of wishful thinking. It is, like the "psychic friends network" and other nonsense (for entertainment purposes only, must be 18 years of age), a deliberate attempt to obscure the difference between sense and nonsense whether for financial gain or merely in support of one's pet ideas or friends.

Many of us have kids. It MATTERS whether drugs are "just another lifestyle choice." It MATTERS whether skinheads and neo-Nazis are "just another lifestyle choice." It MATTERS whether safe sex and AIDS are "just another lifestyle choice." It MATTERS whether cults are "just another lifestyle choice." The difference between sense and nonsense MATTERS. It is vitally important that we teach our kids.

This is the real meaning of Dennis Erlich's inFormer headline:
SCIENTOLOGY IS CHILD ABUSE.

Now I will shut up and present Gerry Armstrong's text which was the inspiration for what I just wrote. He said he didn't mind if I did an introduction, "after all, I'm fair game." But obviously, he is not responsible for my tirade.

April 4, 1995

To good hearts everywhere:

Re: Scientology v. Gerald Armstrong
Marin County Superior Court
Case No. 157680

EXHIBIT A

Dear Friend:

Thank you for this opportunity to tell you about my case.

I am sending versions of this letter to my friends around the world and other people to whom I've been led who may have an interest or be able to help.

I do not have a lawyer, I'm not a lawyer, not trained, unfinanced, and have a May 18, 1995 trial date. I have immediate costs in the case which I am unable to bear myself. I am hoping that there are people of good will who see value and probity in my case and are in a position to help, I am a Christian. I believe my litigation is ultimately between the light and freedom of God and the dark nature of the spiritually enslaved.

The litigation story is long and much more complex and convoluted than what I will provide at this point. I have well-organized case files and documentation if an attorney or law firm has an interest in becoming further involved. I refer in this letter to a number of documents, (A) through (Q), which I am not sending with this letter, but which I will forward to anyone interested upon request.

I was inside Scientology from 1969 through 1981, worked most of those years with its leader L. Ron Hubbard, held positions in the organization's intelligence, legal and public relations bureaus, and during the last two years did the research for a biography of Hubbard. I left the organization at the end of 1981 with a knowledge of massive fraud, of its antisocial core nature, its criminal intelligence operations against labelled enemies, and its victimization of its own members.

I had the good fortune to be deprogrammed while still inside Scientology by my study of its own documents and Hubbard's personal archive. It has come to me gradually, but clearly that I was guided throughout my Scientology experience and life by God, and that, although it is not understandable to some people and often viewed as corny, I have been given a purpose by Him for His Glory.

After I left, and because of the threat it considered my knowledge, Scientology declared me "fair game," and has harassed me pursuant to its fair game policy ever since. Hubbard's "fair game" policy calls for people targeted as "enemies" to be "deprived of property or injured by any means by any Scientologist tricked, sued or lied to or destroyed."

The organization sued me in 1982 (Scientology v. Armstrong, Los Angeles Superior Court No. C 420158), and I filed a cross-complaint for fraud and intentional infliction of emotional distress. Scientology's suit against me, in which I was represented by another major target of fair game, Boston attorney Michael Flynn, went to trial in 1984 and resulted in the famous and internationally cited decision of Judge Paul G. Breckenridge, Jr. (A)

Scientology continued its fair game operations against Flynn and me until December, 1988 when he and the organization arranged a "global settlement," which included the settling of the lawsuits of his approximately fifteen anti-Scientology litigant clients, payments to several witnesses without lawsuits, and settling of his own cases against Scientology.

The "agreements" each of the "settling" people signed contained clauses requiring silence concerning their experiences in and knowledge of the Scientology and a \$50,000 "liquidated damages" penalty for any statement made about such experiences or knowledge. Flynn and the other lawyers involved also signed "agreements" to not represent or assist anyone, including their own settling clients, in future litigation involving Scientology.

Before I saw or knew of the "settlement agreement" I was to sign I had agreed to a monetary figure for the dismissal of my cross-complaint. And although I was shocked and heartsick when I read the "settlement agreement" Flynn presented to me for signing, I did sign it for these reasons:

1. I was positioned in the global settlement as a deal-breaker, on whom all the other settling people depended to have Scientology cease its fair game attacks and threats on them.

2. Flynn claimed that Scientology had tried to assassinate him, had ruined his marriage, sued him thirteen or more times, threatened his family and career; and he was desperate to get out of the litigation. I had worked with him in Boston in 1985 and 1986 and was personally aware of fair game attacks on him.

3. Flynn stated to me that the non-disclosure conditions, which I protested as being impossible to perform since they covered then 17 years of my life, were "not worth the paper they're printed on;" that I couldn't "contract away my Constitutional rights."

4. Flynn said that "global settlement" and the "agreements" were necessary to give Scientology the opportunity it said it wanted to clean up its bad acts and cease fair game. I understood forgiveness and wanted to forgive everyone involved.

5. I felt abandoned by Flynn, who had been my attorney, employer and good friend; I was isolated and heartbroken. Flynn had lost heart.

6. I was already beginning to sense that my life was guided by God, and I accepted the fact that if I was later attacked by Scientology, or in all things, I would try to do what I was called to do. I had a glimpse at the time of the settlement that some time in the future I might be alone but for Him.

The "agreement" I signed (B) also allowed Scientology to maintain its appeal from the Breckenridge decision, required that I not oppose the appeal or any subsequent appeals, and required my delivery to Scientology of all evidence or Scientology-related materials assembled in my case.

There is no doubt that I had been profoundly affected by my years in Scientology and my years under attack after I left. Nevertheless, following the settlement I got on with my life, wrote, drew, took up running and took care of my deteriorated health. Scientology, however, could not leave me alone, but took the opportunity to continue its fair game, publishing attacks on my character, filing false affidavits about me in court, and threatening me with lawsuits if I responded. The organization, through the silencing of knowledgeable witnesses, and the intimidation and silencing of knowledgeable attorneys, was attempting to rewrite the Breckenridge decision, and history, both its and mine.

Although saddened by the attacks and threats I did nothing until the fall of 1989 when, following a series of threatening calls from a Scientology lawyer, it became clear to me that my silence was being used to obstruct justice and hurt other victims of the organization. After researching my rights and responsibilities, the first action I took was to file a petition in the Court of Appeal for permission to respond in the appeal from the Breckenridge decision. My petition was granted, I filed a respondent's brief, and the decision was affirmed in 1991. *Scientology v. Armstrong* (1991) 232 Cal.App.3d 1060, 289 Cal.Rptr.917. (C)

I wrote two declarations, executed March 15, 1990 and December 25, 1990 detailing Scientology's post-settlement acts, and filed them in the Court of Appeal in the organization's appeal from the Breckenridge decision. (D and E)

In August, 1990, at the time of Iraq's invasion of Kuwait and the US buildup in Desert Shield, I prayed to God for guidance in the distress I felt in these events and the general human condition. The answer I received was to give away my worldly wealth and take only what I needed. After pondering this message I conveyed my interest in a house I owned at the time and forgave all debts owed to me.

My description of these events and my spiritual understanding and development at the time are contained in a declaration I executed in 1994. (F) I wrote this declaration to be filed in a "fraudulent conveyance" lawsuit Scientology filed against me in 1993 (Marin Superior Court No. 157680) in which the organization claimed that my renunciation was for the purpose of rendering myself judgment-proof.

Following my renunciation it came to me that I would go wherever in life my help was asked for, and I have tried to do that, under God's guidance, ever since. While in Canada in June, 1991 I received a call from a man in South Africa who was involved in litigation with Scientology and who said that he had not found anyone else in the world willing to testify about the organization's nature and practices. I did go to South Africa, but did not testify because the trial was postponed.

In the same period I received another call for help from a former Scientology attorney, Joseph Yanny of Los Angeles, who had left the organization's employ and become a target of its "fair game." (F contains this history in detail)

When I returned to the US in August, 1991 I was asked for help by attorney Ford Greene of San Anselmo who was involved in Scientology litigation and desperately needed the kind of help I could give to survive. I've worked as his sole office support ever since. I have also since then been the target of Scientology's litigation machine and a massive campaign of what it calls "black propaganda" to destroy my credibility.

Scientology brought a motion to enforce the settlement agreement in October, 1991 in LA Superior Court, which was denied. In February, 1992 it then filed a breach of contract lawsuit in Marin Superior Court, *Scientology v. Armstrong*, No. 152229. This case was transferred to Los Angeles and given number BC 052395. (G is Scientology's second amended complaint; H is my answer)

Scientology brought a motion for a preliminary injunction which was granted in part May 28, 1992, prohibiting me from assisting

claimants against Scientology, but denying the motion as to all other prohibitions in the settlement agreement. I appealed (I is my opening brief) and May 16, 1994 the court of Appeal affirmed (J) the preliminary injunction although declining to address the legality of the underlying settlement agreement.

From 1992 through July, 1994 Scientology tried very hard to have me found in contempt of court and jailed for what it claimed were violations of the preliminary injunction. All of the claimed violations, some of which were manufactured by Scientology, were discharged after an evidentiary hearing July 28, 1994 by Los Angeles Superior Court Judge Diane Wayne. (K)

Scientology filed two more lawsuits in July, 1993, Los Angeles Superior Court No. BC 084842, another breach of contract case, and Marin Superior Court No. 157680, the fraudulent conveyance case. All three cases have now been consolidated in Marin with one number 157680.

The organization brought a motion for summary adjudication of three causes of action, which was granted as to two, this past January 27. (L) I sensed even before losing the motion that my attorney Ford Greene wanted out of the case, and following the ruling he let me know and then substituted out. There is much more to the circumstances of our relationship and his representation of me, but essentially he lost heart. (M is my opposition to the summary adjudication motion) Ford's main approach in the opposition was that I was permitted to file the subject declarations and make the public statements, which Scientology claimed were breaches of the settlement agreement, by the "absolute" litigant's privilege.

Because Ford was unable to find someone else to do the paralegal work in his office I continued as his assistant, but that has now changed because I cannot at this time both work full time for him and do the work necessary in my case. Scientology has filed two more massive motions for summary adjudication, my oppositions to which must be filed by April 7. (N is Scientology's motion seeking a permanent injunction, O is the order Scientology proposes) Two of the "breaches" on which Scientology bases this motion are for an "interview planned but prevented" by Scientology at KFAX in Northern California, and an "interview" not prevented on WORD Radio, Pittsburgh, Pennsylvania, two Christian stations.

Needing to survive in life, I recently approached the two major beneficiaries of my 1990 renunciation, my friends Michael Walton and Michael Douglas, to ask for a loan. Both of them, and their respective wives, however, have also lost heart, are frightened by Scientology, and said they would not support my cause in any way. Michael Douglas said that he had been contacted by Scientology and told that if he even loaned me a small amount of money they would cause him trouble, and he and his wife were afraid that meant being sued.

Throughout the post-settlement period I've stayed in touch with Michael Flynn, my attorney, long time friend, and central figure in the circumstances prior to and during the settlement, but he too has been intimidated. He says that although he views Scientology as evil he has a contract with it which prevents him from helping me in any way, and he believes that the courts cannot deal with the organization's abuse of the system.

In this past month, Scientology has sought to overwhelm me with mountains of legal paper, court demands and deadlines, and with

threat, betrayal, exhaustion, loneliness and hopelessness. It has engaged me in a spiritual battle, wherein, while I was almost destroyed, I was permitted to confront raw evil and given the opportunity to triumph for all the good hearts everywhere. I have spent much of this period in prayer, looking to God as my only source of strength and hope. I believe He has drawn me to Him through this crisis and through the removal of all other sources of support, and I seek with all my heart to do His Will.

Also during this period, it has become clear to me what the issues and true defense are in this case. It is a religious liberty case. What Scientology is seeking to have the courts order is in violation of and barred by both the Establishment and Free Exercise Clauses of the First Amendment.

What if an individual who was a member of a Christian church had been declared by the "church" leaders "fair game;" if these leaders had carried out a public campaign to assassinate his reputation; if he had been assaulted by private investigators hired by the "church's" board of directors; if an attempt was made to involve him in a highway "accident," if he had been spied on and harassed for weeks on end by these private investigators; if the contents and substance of his "confessions" or pastoral counseling had been divulged publicly and used against him; if he had been sued by the "church:" if the "church" had filed false criminal charges against him and attempted to have him jailed; if "church" officials had attempted to entrap him; if the officials had secretly and illegally videotaped him; and so forth?

And what if the member had sued the "church" and the "leader" for the emotional distress resulting from these torts and abuses? All of the acts listed in the preceding paragraph were carried out by Scientology against me and formed the basis of my cross-complaint.

Is it conceivable that as a condition of settlement of the Christian church member's lawsuit he must remain silent about his religious experiences, about Christ, Christianity, the Bible, God? Is it conceivable that the member could be compelled to pay \$50,000 each time he thereafter said anything about his religion, Christ, Christianity, the Bible or God? Is it conceivable that a court in this country could order the member jailed if he communicated about these things? Is it conceivable that the church member could not even discuss with other Christians their experiences of Christianity; and is it conceivable that he could be penalized \$80,000 and jailed for each time he discussed the experiences of other Christians with them? Is it conceivable that in the face of continuing attacks by the Christian "church" leaders after the "settlement" the member must still remain silent about his "religion" and his "religious experiences?"

No Christian church would consider imposing such conditions in a "settlement." No court would consider enforcing such conditions against a Christian. Why then do courts enforce such conditions at the insistence of Scientology against people it has abused? The answer is that our courts are often deceived, confused and blinded by evil, and as a result give evil favorable, special treatment; and to the detriment of goodness and justice.

Scientology is anti-Christian and anti-God. It professes in its publications to the uninitiated and the media to accept Christians and to acknowledge Jesus Christ. Inside the organization, however, it "preaches" that Christ and God are "implants," false

ideas electronically installed in humans to effectuate their control. It claims that Scientology is the only way for freeing people from the enslavement of the Christian Church. (P and Q are two "bulletins" by Hubbard which vilify the Church, Christ, God and mock the Holy Scriptures) Anyone inside the organization who considered Christ, the Holy Spirit or God real, who prayed, or believed God played any part in his or her life, was considered "psychotic" and "dramatizing" an implant.

In this aspect of his "theology" Hubbard blasphemes the Holy Spirit, the one unforgivable sin. People drawn into Scientology and brought to this blasphemy are in grave spiritual danger. Mark, 3:29. I believe I cannot, under this nation's Constitution, be prevented by "contract" from speaking the truth about the danger of Scientology to those who wish to talk to me.

I believe that the subject settlement agreement is evil, that honoring it does no one any good, and that having it adjudged illegal will free not only me but many others now and in the future.

I believe I should affirm that although I have been troubled, and have been led along a strange life path, I am not crazy and I am not obsessed with Scientology. I have talents and a life beyond my battle with Scientology, and I pray for an end to the conflict, and the peace and time to pursue other things.

I also believe I should profess that I do not think I am special or sinless. I am a very imperfect vessel. I have a human nature and have done many foolish, human things, but I have also been saved by God's Grace from all that.

Scientology is a pernicious, neo-Satanic cult waging a "religious war" to crush my religious and other human rights, and the rights of anyone else it sees as an obstacle on its road to total power. I am asking for financial, legal and spiritual support to win this war.

Please forward this letter to anyone you think is appropriate.

I am grateful for any help of any kind anyone can give, and I welcome all calls.

Thank you again.

Yours faithfully,

Gerry Armstrong
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Phone & Fax (415)456-8450